

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DORAN FLYNN,

Defendant.

**CR-10-77-GF-BMM**

**ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS OF  
MAGISTRATE JUDGE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on April 7, 2015. (Doc. 59). Neither party filed objections. The Court need not review *de novo* the proposed Findings and Recommendations when a party makes no objections. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Flynn admitted to having violated standard condition 7 and special condition 2 of her supervised release by using controlled substances and by purposefully adulterating a urinalysis sample. (Doc. 59). Judge Johnston found Flynn's admissions sufficient to establish a supervised release violation. *Id.* Judge Johnston

recommends that this Court revoke Flynn's supervised release. *Id.* Judge Johnston also recommends that the Court sentence Flynn to 4 months imprisonment with a term of 12 months of supervised release to follow. *Id.* Judge Johnston further recommends that Flynn reside in a residential re-entry center for 6 months upon her discharge from incarceration. *Id.*

Flynn's criminal history category is I, the current offense is a Grade C violation, and the underlying offense is a Class D felony. The statutory range is a maximum of 24 months in custody followed by a term of supervised release of up to 36 months, less any custody time imposed. The applicable guideline range is 3 to 9 months in custody.

This Court finds no clear error in Judge Johnston's Findings and Recommendations and adopts them in full. Flynn admitted that she violated standard condition 7 of her supervised release by consuming alcohol. Flynn also violated special condition 2 of her supervised release by adulterating a urinalysis sample. A sentence of 4 months imprisonment with a term of 12 months supervised release to follow is appropriate. Flynn shall reside in a residential re-entry center for 6 months following her release from custody in an effort to address her substance abuse issues.

**IT IS HEREBY ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 59) is ADOPTED IN FULL and Judgment shall be entered accordingly.

DATED this 22<sup>nd</sup> day of April, 2015.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. It is positioned above a horizontal line.

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Brian Morris  
United States District Court Judge